

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSE JONES,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:12-cv-01283

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

/

REPORT AND RECOMMENDATION

On March 8, 2013, the court entered a Notice of Impending Dismissal as to defendants Patricia Caruso, Kathy Warner, Mary Berghuis, Maria Sahagun, and Rebecca Wright for failure to serve a summons and complaint as to each (Dkt. 9). That notice stated that a verified petition regarding service of process must be submitted by March 20, 2013, or the case would be dismissed as to those defendants. Summons were returned executed regarding Maria Sahagun (Dkt. 11), Rebecca Wright (Dkt. 12), and Mary Berghuis (Dkt. 13), and those defendants have filed a responsive pleading (Dkt. 15). Summons were not returned executed regarding Patricia Caruso or Kathy Warner, nor was a verified petition regarding service of process filed.

As such, the undersigned recommends that plaintiff's case against defendants Patricia Caruso and Kathy Warner be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this

court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: April 10, 2013

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).